

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

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PLASMA PHYSICS CORPORATION,  
Plaintiff, CV 02-3456 (LDW) (WDW)  
-against-

AGILENT TECHNOLOGIES, INC.,  
Defendant.

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PLASMA PHYSICS CORPORATION,  
Plaintiff, CV 02-3462 (LDW) (WDW)  
-against-

LSI LOGIC CORPORATION,  
Defendant.

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**OPPOSITION BY PLAINTIFF PLASMA PHYSICS CORPORATION  
TO DEFENDANTS AGILENT TECHNOLOGIES, INC.  
AND LSI LOGIC CORPORATION'S COMMENTS ON AND  
OBJECTIONS TO THE SPECIAL MASTER'S REPORT AND  
RECOMMENDATIONS CONCERNING CLAIM CONSTRUCTION**

PLASMA PHYSICS CORPORATION, plaintiff (“Plasma Physics”), submits this opposition to Defendants Agilent Technologies, Inc. (“Agilent”) And LSI Logic Corporation’s (“LSI”) Comments On And Objections To The Special Master’s Report And Recommendations Concerning Claim Construction (hereinafter defendants’ Comments And Objections)

Agilent and LSI do not object to the master’s recommended constructions appearing in Sections I-IV, VI, VIII, XI, XII, and XIV-XVI and request that the Court adopt these recommendations. However, in Plasma Physics’ Objections Pursuant To Rule 53(g) Fed. R. Civ. P. To The Special Master’s Report And Recommendations Concerning Claim Construction, served and filed on June 24, 2004 (hereinafter Plasma Physics’ Objections), Plasma Physics objected to Sections I-III, VIII, XI, XII, XIV, and XV. Plasma Physics incorporates by reference herein, those objections and the grounds supporting Plasma Physics’ objections, and requests that the Court adopt the claim constructions proposed by Plasma Physics in its Objections.

With respect to the master’s recommendation XVI, the defendants specifically expressly requested the master to construe the term “semiconducting device” in claims 13, 14, 23, and 24 of the ‘648 patent and did not ask the master to construe the different term “semiconductor device” which appears in 13 other claims of the ‘648 patent and three more claims from the ‘784 patent.<sup>1</sup> The master gave defendants precisely no more nor less than the specific construction they sought of the term “semiconducting device.” In their Comments And Objections, defendants belatedly attempt to procure a construction of a claim term (“semiconductor device”) that they never placed before the master. Pursuant to the order that resulted in the Markman Hearing on May 18, 2004, it is too late for defendants to seek that construction now.

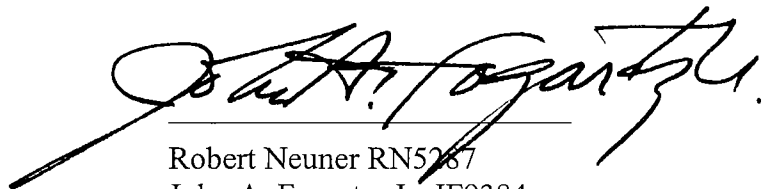
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<sup>1</sup> Defendants’ Claim Construction Brief For U.S. Patent Nos. 4,226,897, 5,470,784, and 6,245,648; at pp. 106-111 (hereinafter defendants’ Claim Construction Brief).

Lastly, the defendants object to the master's recommendations in Sections V (nitride of silicon), VII (evacuating said first and second vacuum chambers), IX (airlock), X (zone), XIII (film), and XVII (moveable armature for transporting said substrate) and propose adoption of defendants' proposed constructions appearing in their Claim Construction Brief. Plasma Physics submits that the master's recommended constructions of these terms are correct and will pass muster under *de novo* review.<sup>2</sup>

Plasma Physics respectfully urges the Court to overrule the defendants' objections, to correct the master's recommended conclusions of law as set forth in Plasma Physics Objections, and to adopt the master's recommended conclusions of law, sections IV-VII, IX, X, XIII, and XVI-XVII.

Dated: June 30, 2004



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<sup>2</sup> Plasma Physics relies upon the evidence adduced at the Markman Hearing (Transcript, May 18, 2004) and upon Plaintiff's Memorandum Of Law Regarding Claim Construction and Plaintiff's Reply Memorandum Of Law Regarding Claim Construction, both having been filed in Court with the master's recommendations on June 1, 2004.

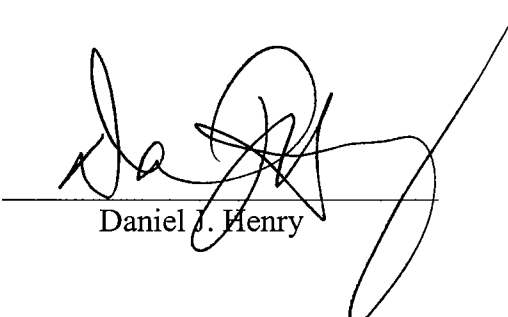
**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the document annexed hereto entitled, **OPPOSITION BY PLAINTIFF PLASMA PHYSICS CORPORATION TO DEFENDANTS AGILENT TECHNOLOGIES, INC. AND LSI LOGIC CORPORATION'S COMMENTS ON AND OBJECTIONS TO THE SPECIAL MASTER'S REPORT & RECOMMENDATIONS CONCERNING CLAIM CONSTRUCTION**, was on this 29th day of June, 2004 served on the following in the manner described:

**VIA EMAIL & FEDEX**

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